

MINUTES
WARRICK COUNTY AREA BOARD OF ZONING APPEALS

Regular meeting held in the Commissioners Meeting Room,
Third Floor, Historic Courthouse,
Boonville, Indiana
September 25, 2017 at 6:00 P.M.

PLEDGE OF ALLEGIANCE

MEMBERS PRESENT: Jeff Valiant, Chairman; Tina Baxter, Terry Dayvolt, Doris Horn, Mike Moesner, Jeff Willis and Mike Winge.

Also present were Morrie Doll, Attorney; Sherri Rector, Executive Director and Sheila Lacer, Staff.

MEMBERS ABSENT: None

MINUTES: Upon a motion made by Doris Horn and seconded by Mike Winge, the Minutes of the last regular meeting held August 28, 2017, were unanimously approved as circulated.

VARIANCE:

BZA-V-17-21

APPLICANT: Martin Brothers & Company, Inc. by Cougar Martin, VP

OWNER: Ruth E. Dotson

PREMISES AFFECTED: Property located on the W side of Lisa Lane approximately 430' S of the intersection formed by Lisa Lane & Jeffrey Lane. Ohio Twp. Pt Lot 30 Lakeland Court.

NATURE OF CASE: Applicant requests a Variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for an addition of a garage (to a single family dwelling) encroaching 11.5' into a 25' building line on property not divided in accordance with the Subdivision Control Ordinance in an "R-2" Multi Family zoning district. *Advertised in the Standard September 14, 2017.*

Cougar Martin and Ruth Dotson were present.

The Chairman called for a staff report.

Mrs. Rector stated they have submitted all of the green receipts from certified mail of notice of this meeting to the adjacent property owners. She explained that Ms. Dotson has an existing residence and all surrounding property is zoned R-2 Multi Family Dwelling being lots in Lakeland Court. She said the property lies in a 500 year flood plain which requires nothing additional for permits and it does front on Lisa Lane. She explained that when this subdivision was approved in 1973 and permits were issued for the lots they were issued on the entire lot as multi-family building. She said after the permits were issued and the buildings constructed they

were then sold off as units and they have traded hands multiple times. She said in order for Ms. Dotson to obtain a building permit for her garage addition she has to obtain this Variance because the property was not divided according to the ordinance as well as the addition being located within the building set back line. She said the applicant states on the application: *owner wants to build a 24' x 30' garage on north side of house. There is not enough room so the garage would extend approximately 11.5 feet into the building line. We are asking for a Variance to build the garage. The owner bought the property already divided.* Mrs. Rector said we have seen several other Variances in this subdivision. She said this is the one that the units are attached by a little roof and the permits were issued for one building but then they were sold off which made all of the homes in non-compliance but this was done in 1973 and the property has been sold several times and there is no way to bring it into compliance now.

The applicants had nothing to add.

The Chairman called for questions.

Mike Moesner asked about the entrance to the proposed garage.

Mr. Martin said the existing driveway goes into the existing garage and they will have a new driveway to go into the new construction.

Ascertaining there were no other questions from the Board and being no remonstrators present, the Chairman called for a motion.

Tina Baxter made a motion to approve the Variance Application based upon and including the following findings of fact:

1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.
2. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. As such, it is further found that the granting of the Variance shall not result in substantial detriment to adjacent property or the surrounding neighborhood.
3. The need for the Variance arises from some condition peculiar to the property involved. The peculiar condition constituting a hardship is unique to the property involved or so limited to such a small number of properties that it constitutes a marked exception to the property in the neighborhood. Such condition is it is bordered on the east by Lisa Lane and a curve in the road which precludes the ability to setback any further and it is bordered on the backside by a lake which obviously means they can't use any property in the rear.

4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
7. That the hardship to the applicant's use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.
9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.
10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:
 - a) Subject to an Improvement Location Permit being obtained.
 - b) Subject to a Building Permit being obtained.
 - c) Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
 - d.) Subject to all utility easement and facilities in place.

The motion was seconded by Doris Horn and unanimously carried.

Mrs. Rector said they could pick up their approval and get their permits on Wednesday.

ATTORNEY BUSINESS:

None.

EXECUTIVE DIRECTOR BUSINESS:

None.

Being no further business the meeting adjourned at 6:10 p.m.

Jeff Valiant, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of the said Board at their monthly meeting held September 25, 2017.

Sherri Rector, Executive Director